

October 4, 2012

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Dixon; Supt. Givens; Comm. Maynard; Larry Williams; Nancy Sexton; Ann Fischer; Ed Adams; Tim Martin – Myzak and Palmer; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated construction on the intakes is progressing well and the pipe and equipment are here and awaiting installation. He added the project will be complete by December 31, 2012.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied she has none.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Board member Curtis moved the meeting be adjourned. Seconded by Board member Shelton. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Dixon; Supt. Givens; Comm. Maynard; Larry Williams; Nancy Sexton; Ann Fischer; Ed Adams; Tim Martin – Myzak and Palmer; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Shelton stated she has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Higgins stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Hoehn stated he has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the third and final reading of the Ordinance Establishing Appropriations and Tax Rates for the City of Mount Vernon for the Year Ending December 31, 2013. She added public hearing was at the last meeting and there were some questions, but those were answered at that time.

Councilman Curtis moved the ordinance pass final reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 12-19.

Attorney Higgins stated the next item is a public hearing on an alley vacation but as it was advertised for 7:30, they will move to the next item. The next item is the second reading of the Ordinance Updating, Restating, and Recodifying Title IX – General Regulations, Chapter 91 – Animals. She then stated the ACO came by her office this past week and made some suggestions. She suggested they have a motion and a second to open up for discussion.

Councilwoman Higgins moved the ordinance pass second reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

Attorney Higgins stated the ACO cited section 91.26 (A) the fees. The next to the last line indicates a fee of \$2.00 a day for impounding and the actual fee the city is being charged is \$15.00 per day. She suggests if they accept that change, they also strike out BUT NOT TOO EXCEED \$15, in the last line of paragraph (A). She stated the second item, still section 91.26 is titled DISPOSITION OF IMPOUNDED DOGS, and it does not address cats. The ACO can not impound various animals and he would like to add a paragraph (F) stating “notwithstanding Section 91.25, due to financial and manpower constraints, only animals impounded under this section will be dogs.”

Councilman Fuelling replied that seems reasonable.

Councilman Hoehn added he is also OK with that. He then questioned the zoning ordinance and this ordinance, are they saying the same thing ? He added he wants to be sure there is balance in these two documents.

Councilman Curtis replied he believes the zoning ordinance dealt with the number of animals.

Councilman Hoehn again asked if they need this information in two locations – two ordinances.

Attorney Higgins stated what they just covered, the Area Plan Commission may not cover in their commission. This is more detailed.

Councilman Hoehn stated they could use one against the other – how do they read together ? Attorney Higgins replied before the third reading certainly they need to make sure of that. Councilman Hoehn again asked why have this in two locations – the 150 Section and the 91 Section.

Attorney Higgins replied Section 91 has different restrictions in it that Section 150.

Councilman Curtis stated this section has fees in it and the zoning section does not, that being said, he agrees with Councilman Hoehn. He then stated the number of animals needs to be looked at again – four animals total vs. four cats and four dogs.

Councilman Hoehn stated Section 150 is quite a bit more detailed and it should reference this section. He added he is not opposed to this at all.

Attorney Higgins stated before third reading they need to make certain there are no discrepancies and added she can check that for any issues.

Councilwoman Higgins moved the ordinance be passed on second reading, with the amendments to the fees and adding a paragraph (F). Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the second reading of the Ordinance Authorizing a Blanket Bond or Criminal Insurance Policy.

Councilman Curtis moved the ordinance pass second reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 12-20.

Attorney Higgins stated as it is now past 7:30 they will have the Public Hearing on the Ordinance Vacating the South Half of a public North/South alley which connects Water and Second Streets and lies parallel with Main and Walnut Streets; with North/South Alley being vacated begins at Water Street and ends where the Alley intersects with an East/West alley that connects Main and Walnut Streets on the North end. She added the vacation is being requested by the Posey County Economic Development Partnership.

Mayor Tucker stated he will now open the Public Hearing and added Tim Martin from Myzak Palmer is here and Larry Williams from the Partnership.

Mr. Martin stated he would be happy to answer any questions and with that being said, he would ask the Council to please consider both readings tonight as this is the final piece and once completed work can begin.

Supt. Givens stated he told Mr. Myzak at the last meeting that they had televised that line and thought it was a dead end, but it isn't. There are lines running there in that alley but he believes they go to buildings that may not be there.

Mr. Martin invited Supt. Givens to bring the camera truck back any time to double check.

Mayor Tucker asked if anyone in the Audience wished to address this issue ?

There was no response.

Mayor Tucker stated he will now close the Public Hearing at 7:36 p.m.

Councilman Curtis moved the Ordinance Vacating the South Half of a public North/South alley which connects Water and Second Streets and lies parallel with Main and Walnut Streets; with North/South Alley being vacated begins at Water Street and ends where the Alley intersects with an East/West alley that connects Main and Walnut Streets on the North end pass on second reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass third reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 12-21, passed at 7:40 p.m.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Higgins handed pictures out to the Council of the banks of the river and stated the city has an erosion problem. She added while at IACT she came across some “blocks” that can be put in the bank, that over years become a green berm. She then stated they do definitely have an erosion problem down there as the 2011 flood was not kind to the city. She wondered if they could get the Army Corp of Engineers down here. The “blocks” won’t stop the erosion, but they will slow it down.

Councilman Curtis stated he feels the first step is to talk to the Corp.

Councilwoman Higgins stated it isn’t a healthy situation and it is getting worse. She added they need to get going on it as they can’t change the river, it goes where it wants.

Councilman Hoehn asked what the next step is ? Does someone need to contact the Corp and see if they have anything in the works on it ?

Councilwoman Higgins replied she has a contact and she can proceed with it. She concluded by stating it can’t be fixed without the permission of the Corp.

Mayor Tucker asked if there was any New Business ?

Councilman Hoehn stated there was an attempted break in on Co-Op property of an ammonia tank. He added there was residential property damage as a result and a near-miss to a police officer. He stated there was enough of a release that there could have been a fatality. He continued by stating Co-Op’s storage of its tanks has been grandfathered in from the new regulations that exist. The new regulations call for the tanks to be stored several thousand feet from a school – West Elementary is within 400 feet. There is a potential there for 50,000 gallons of ammonia to be released – sitting there in the open, no fence, and no protection of any kind. That troubles him. He added the State Chemist says city ordinance can affect that. He would like to open a discussion with the Co-Op so people can’t just go it so easily. He would like to see an ordinance of exactly what the State Chemist requires as the regulations today. These tanks are sitting out in the open with nothing around them and he feels it is a bad situation for the city.

Councilwoman Higgins stated there are also some tanks sitting out on Lower New Harmony Road.

Mayor Tucker stated he received a letter from the Co-Op and they advised they were going to be moving the tanks, but only to right across from Hucks. There will be more light there and more traffic, but that is about it.

Councilman Hoehn stated the tanks need locks or a fence or they need camera monitoring.

Mayor Tucker added again, they are planning on moving them but he is unsure if they are going to be taking any other measures.

Councilman Hoehn stated if they were a new business coming in, those tanks couldn’t be there. He added he would like to see an ordinance drafted today and have that ordinance be at the State Chemists’ standards.

Councilwoman Higgins stated the grass was yellowed at the home where the cloud was – then, there is the school.

Councilman Hoehn stated the Hucks location will still not meet the new criteria, and then there is the wind direction issue.

Councilman Fuelling asked if Councilman Hoehn is wanting a locked fence and cameras?

Councilman Hoehn replied he would like to open a discussion with the Co-Op yes, with the support of the Council. There is major potential for a disaster there.

Councilman Curtis stated he believes Councilman Hoehn has the consensus of the Council.

Councilman Hoehn asked if Mayor Tucker should talk to them, or suggested they go together.

Councilman Curtis agreed and added that Councilman Hoehn and Mayor Tucker should both go.

Mayor Tucker stated he and Councilman Hoehn will arrange a meeting.

Councilman Hoehn added he would at least like to initiate a conversation.

Mayor Tucker suggested they also take Chief Beloit with them.

Councilman Hoehn agreed and added there was a near-miss there with an officer.

Councilwoman Higgins stated the incident occurred September 9, 2012.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn asked if there is water garden dirt work to be done ?

Mayor Tucker stated BLA was at the last meeting about this issue. Since then, Supt. Givens' department has done some work down there and Comm. Maynard's department has done some work down there as well. The third berm has been cut down and moved to the north.

Councilman Hoehn asked if this flooding of the trailer park happened because of abnormal rainfall ?

Mayor Tucker replied yes, and it ran off of the farmer's field. The third berm redirected it.

Councilman Hoehn stated he was down there five times that day and at first it seemed to be working well, but then the water was just everywhere.

Councilman Curtis added it wasn't just the rainfall but how it came, etc.

Councilman Hoehn stated there was a lot of water.

Councilman Fuelling asked if they fix is moving in a timely manner ?

Mayor Tucker replied yes and added BLA is getting with Mr. Russell with the new plan.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has just returned from IACT and there were some great workshops. Especially the one on ADA compliance. Mount Vernon was well represented and it was a good event. She did state that in reference to the ADA compliance, the State wants to see EFFORT.

Councilman Fuelling added "effort" on the "mandates". He then stated the riverfront is getting closer all the time and he believes they are waiting on some signage before they have the walk thru.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilwoman Shelton.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer